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FISCAL IMPACT STATEMENT

LS 7901

BILL NUMBER: SB 594

NOTE PREPARED: Jan 17, 2005

BILL AMENDED:

SUBJECT: Offenders of Elder Victims Registry.

FIRST AUTHOR: Sen. Hershman

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a person who: (1) has been convicted of a crime against a victim who is at least 65 years of age or adjudicated a delinquent for committing an act that would be a crime against a victim who is at least 65 years of age; and (2) resides, works, or attends school in Indiana; to register with a local law enforcement authority. The bill requires local law enforcement authorities to forward the registration information to the Criminal Justice Institute.

The bill requires the Institute to establish and maintain an Offenders of Elder Victims Directory that includes the name of each offender who is required to register with a local law enforcement authority. It also requires the Institute to publish the directory on the Internet and make a paper copy of the directory available upon request. The bill requires sheriffs to jointly establish and maintain an offenders of elder victims web site. It specifies that the offenders of elder victims web site must include: (1) a recent photograph of every offender who has registered with a local law enforcement authority; (2) the home address of every offender; and (3) the information included in the Institute's Offenders of Elder Victims Directory.

Effective Date: Upon passage; July 1, 2005.

Explanation of State Expenditures: This bill creates the Offenders of Elder Victims Registry and the Offender of Elder Victims Directory. Persons who reside, work, or attend school in Indiana, and have been convicted of a crime against a victim who is at least 65 years of age, or adjudicated a delinquent for committing an act that would be a crime against a victim who is at least 65 years of age, are required to register and be included on the Registry and Directory. Offenders are required to register within 7 days of (1) being released from a penal facility, secure private facility, or juvenile detention facility, (2) being transferred to a community

transition program, (3) being placed on parole, probation, or home detention, or (4) arriving at a place where the offender will reside, work, or attend school in Indiana; whichever occurs first. Offenders are required to register for ten years following their release from a penal facility or secure juvenile detention facility, being placed in a community transition program, being placed in a community corrections program, being placed on parole, or being placed on probation; whichever occurs last.

Indiana Sheriffs' Association: Offenders are required to register with the sheriff of the county or the police chief of a consolidated city. Registration information is then forwarded to the Indiana Criminal Justice Institute (ICJI) and every law enforcement agency having jurisdiction in the area. Sheriffs and police chiefs must verify an offender's residence annually. A registration form shall be mailed to the address for each listed offender. If an offender fails to return a signed registration form, the sheriff or police chief shall immediately notify ICJI and the prosecuting attorney. Sheriffs and police chiefs would likely experience a minimal increase in administrative duties as a result.

The bill requires the Sheriffs' Association to establish and maintain an Offenders of Elder Victims web site known as the Indiana Sheriffs' Offenders of Elder Victims Registry. The website shall be updated at least every 7 days. The website must include the following information: (1) a recent photo of the offender, (2) the offender's home address, (3) and other information required to be included in the Directory. The Registry may be funded through (1) the Jail Commissary Fund, (2) a grant from the ICJI, and (3) any other source.

The Sheriffs' Association reports that it would likely need to purchase software for the creation of the website. The cost for this software is currently unknown. In addition, the Association reports that it would experience a minimal increase in expenditures to administer the Registry and website, however, actual increases are currently unknown. [Note: This information will be updated when additional information becomes available.] Currently, the Association receives \$95,000 annually to administer the Sex Offender Registry.

Jail Commissary Fund: The bill adds the Directory to the list of things that the Jail Commissary Fund may fund. Jail Commissary Funds are maintained by individual counties. Money in the funds are revenue from commissaries. Commissary fund balances vary by county. Currently, money in the funds are used for (1) merchandise for resale to inmates through the commissary, (2) expenses of operating the commissary, (3) special training in law enforcement for employees of the sheriff's department, (4) equipment installed in the county jail, (5) equipment used by the sheriff's department in the course of the employee's official duties, (6) an activity provided to maintain order and discipline among the inmates of the county jail, (7) an activity or program of the sheriff's department intended to reduce or prevent occurrences of criminal activity, (8) expenses related to the establishment, operation, or maintenance of the sex offender website, and (9) any other purpose that benefits the sheriff's department.

Indiana Criminal Justice Institute: The bill adds the Offenders of Elder Victims Directory to the list of responsibilities of ICJI. The bill requires ICJI to prescribe or approve a form for the Directory. Information collected must include the following: (1) the offenders name, alias, any name by which the offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, social security number, driver's license number, and home address; (2) a description of the offense for which the offender was convicted, the date of the conviction, the county of the conviction, the case number of the conviction, and the sentence imposed; (3) the name of the offender's employer(s), the name and address of each campus where the offender is enrolled in school, and the address of where the offender stays or intends to stay, whichever are applicable; (4) a recent photograph, and (5) any other information required by ICJI. ICJI estimates that development of a form would cost approximately \$204. This represents an 8-hour work day with an employee making \$19 per

hour plus benefits.

The bill requires ICJI to, before January 1, 2006, compile data to establish the Offenders of Elder Victims Registry. The Registry must include names of all offenders convicted of a crime against a victim who is at least 65 years of age, or adjudicated a delinquent for committing an act that would be a crime against a victim who is at least 65 years of age. The following sources may be used: (1) Indiana Prosecuting Attorney Council files, (2) Indiana State Police Department files, (3) Department of Correction files, (4) Division of State Court Administration files, and (5) other reliable sources. ICJI reports that the creation of a database to house an elder abuse directory would require outside assistance. In July 2004, ICJI requested an estimate from Management Information Disciplines, Inc., (MID) to establish a database to house sex offender data. MID estimated the cost of the time to construct, test, and install the database and automated process at \$23,450 to \$30,450. It is assumed that the cost to establish an elder abuse directory would be similar.

The bill requires ICJI to (1) update the Directory at least once every 6 months, (2) publish the Directory on the internet through AccessIndiana, (3) maintain a hyperlink to the Indiana sheriff's Offenders of Elder Victims Registry web site, and (4) make a paper copy of the Directory available upon request. The bill requires ICJI to provide judges, law enforcement officers, prosecuting attorneys, and parole officers, with information concerning the requirements in the Directory.

ICJI reports that it would need to employ a full-time Program Manager to maintain the Directory. ICJI reports that this would represent approximately \$46,900 annually.

ICJI maintains the Sex Offender Directory. It, however, does not supply copies of the Directory on paper; it provides copies on a CD-ROM disk. The cost to produce the list on paper is unknown. However, ICJI reports that production of a disk from which a paper copy can be printed are \$2.65 per disk.

Victim and Witness Assistance Fund: The bill adds the Offenders of Elder Victims Directory to the list of things that money from the Victim and Witness Assistance Fund may be used for. The source of the Victim and Witness Assistance Fund is the Family Violence and Victim Assistance Fund. Money in the Fund is currently used to pay the costs of administering the fund and to establish and maintain the Sex and Violent Offender Directory.

Penalty Provision: The bill makes it a Class D felony to knowingly or intentionally (1) fail to register, or (2) fail to complete and submit a new registration form when required. However, the offense is a Class C felony if the offender has a prior offense for the aforementioned actions. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months and for all Class C felony offenders is approximately two years.

Indiana State Police: The bill adds information obtained through the Offenders of Elder Victims registration to the definition of criminal history data. Various agencies collect criminal history data through the Indiana State Police (ISP). If additional information is requested, ISP could experience an increase in administrative duties, however, any increase is minimal.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class C or D felony is \$10,000. However, any additional revenues would likely be small.

Limited Criminal History Checks: The bill adds information obtained through the Offenders of Elder Victims registration to the definition of criminal history data, which is included in a limited criminal history check. If additional requests are made, the state could experience an increase in revenues from fees collected. ISP collects a \$15 limited criminal history check fee for the state which is deposited into the state General Fund. Increases in revenue are dependent on the number of additional checks requested.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Jason Matejkowski, Indiana Criminal Justice Institute; Mike Eslinger, Indiana Sheriffs' Association.

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